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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,059	09/26/2003	Stefan Baggstrom	944-1.117	1237

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EXAMINER

PEREZ, JULIO R

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/673,059	Applicant(s) BAGGSTROM ET AL.	
	Examiner Julio R. Perez	Art Unit 2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/02/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 7-12, 14-20, are rejected under 35 U.S.C. 102(e) as being anticipated by Jacobson et al. (Pub. No. 20020168960, hereinafter Jacobson).

Regarding claim 1, Jacobson discloses in establishing a network connection on behalf of an application hosted by a device, the method comprising: step of obtaining information about currently active cellular network systems (page 1, 0010-0012, the mobile transmits a signal to a system, thus being detected by its presence at its location); and a step of deciding whether to allow establishing the network connection based on factors including the information about currently active cellular network systems (page 1, 0011-0014; Figs. 1-2, after the mobile is registered in the current system, the system provides the mobile with its corresponding parameters in order to be able to work in the current system, where the mobile is stationed).

Regarding claim 2, Jacobson discloses, wherein the information about currently active cellular network systems includes information about combinations of different kinds of connections allowed by each currently active cellular network system (page 1-

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2, 0010-0014, the system provides the type of connections between two different mobile systems).

Regarding claim 3, Jacobson discloses, wherein the factors also include information about connections currently in use or wherein the information about currently active cellular network systems includes information about connections currently in use (page 1-2, 0010-0014).

Regarding claim 4, Jacobson discloses, wherein the information about connections currently in use includes at least the number and type of connections currently in use (page 1-2, 0010-0014, type of connection is provided to the mobile).

Regarding claim 5, Jacobson discloses, further comprising: a step which a request made for permission to establish the network connection and the request includes an identifier corresponding to the application requesting the network connection (page 0011-0012); and wherein the information about connections currently in use includes identifiers for applications using the connections currently in use, and further wherein the factors also include the identifier for the application and the identifiers for applications using the connections currently in use (page 1-2, 0011-0015).

Regarding claim 7, Jacobson discloses, wherein the active cellular network systems include at least a GSM network, a WCDMA network, or a CDMA2000 network (page 1-2, 0011-0015, Jacobson system includes a GSM system).

Regarding claim 8, Jacobson discloses a mobile terminal, equipped to establish a network connection on behalf of an application hosted by the mobile terminal, characterized in that it comprises: means, responsive to a signal from the application to

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establish the connection, for providing a request to allow establishing the connection (pages 1-2, 0010—12, a mobile requests a connection to a system); and a network resource control module responsive to a request to allow establishing the connection, and also responsive to information about currently active cellular systems, for determining whether to allow establishing the connection based on factors including the information about currently active cellular network systems (page 1, 0011-0014; Figs. 1-2, after the mobile is registered in the current system, the system provides the mobile with its corresponding parameters in order to be able to work in the current system, where the mobile is stationed; after registration with a working system, the mobile is able to establish a connection).

Regarding claim 9, Jacobson discloses, wherein the information about currently active cellular network systems includes information about combinations of different kinds of connections allowed by each currently active cellular network system (page 1-2, 0010-0014, the system provides the type of connections between two different mobile systems).

Regarding claim 10, Jacobson discloses, wherein the factors also include information about connections currently in use or wherein the information about currently active cellular network systems includes information about connections currently in use or wherein the information about connections currently in use includes at least the number and type of connections currently in use (page 1-2, 0010-0014).

Regarding claim 11, Jacobson discloses, wherein the information about connections currently in use includes at least the number and type of connections currently in use (page 1-2, 0010-0014, type of connection is provided to the mobile).

Regarding claim 12, Jacobson discloses, further characterized, in that it also comprises: means for making a request for permission to establish the network connection with the request including an identifier corresponding to the application requesting the network connection (page 0011-0012); wherein the information about connections currently in use includes identifiers for applications using the connections currently in use, and further wherein the factors also include the identifier for the application and the identifiers for applications using the connections currently in use (page 1-2, 0011-0015).

Regarding claim 14, Jacobson discloses, wherein the active cellular network systems include at least a GSM network, a WCDMA network, or a CDMA2000 network (page 1-2, 0011-0015, Jacobson system includes a GSM system).

Regarding claim 15, Jacobson discloses, further characterized in that also comprises a cellular network information server, responsive to a request to provide the information about currently active cellular 'systems, for providing such information (page 1, 0011-0014; Figs. 1-2).

Regarding claim 16, Jacobson discloses, a computer readable storage structure embodying computer program code thereon for execution by a computer processor in a telecommunication terminal, with said computer program code characterized in that it includes instructions for performing the steps of the method of claim 1 (pages 1-2, 0010-

0014, the mobile comprises means to read codes written to execute commands to request connections to the system).

Regarding claim 17, Jacobson discloses, a computer readable storage structure embodying computer program code thereon for execution by a computer processor in a telecommunication terminal, with said computer program code characterized in that it includes instructions for performing the steps of the method of claim 5 (pages 1-2, 0010-0014, the mobile comprises means to read codes written to execute commands to request connections to the system).

Regarding claim 18, Jacobson discloses, a computer readable storage structure embodying computer program code thereon for execution by a computer processor in a telecommunication terminal, with said computer program code characterized in that it includes instructions for performing the steps of the method of claim 7 (pages 1-2, 0010-0014).

Regarding claim 19, Jacobson discloses, a system, comprising an operator network having at least one cellular system, and also comprising a mobile terminal as in claim 8 (page 1-2, 0011-0015, Jacobson system includes a GSM system and a mobile terminal to communicate with several systems).

Regarding claim 20, Jacobson discloses, a system, comprising an operator network having at least one cellular system, and also comprising a mobile terminal as in claim 12 (page 1-2, 0011-0015, Jacobson system includes a GSM system and a mobile terminal to communicate with several systems).

Claim Rejections - 35 USC § 103

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobson in view of Scholefield et al. (Pat. No. 5752193, hereinafter Scholefield).

Regarding claims 6, 13, Jacobson does not explicitly disclose, wherein the factors also include the maximum amount of concurrent packet switched data allowed by the connections currently in use.

However, Scholefield teaches determining from an access request if there are enough channels to handle the incoming amount of data (col. 2, lines 57-67; col. 3, lines 1-44).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the system as taught by Scholefield with capacity procedures because it would provide Jacobson's system with means to determine capacity of the system and determine if any other amount of packets may be allowed into the system to refrain the system from overloading.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pat. No. 6430396 to Bamburak et al. Selecting a wireless communications service provider.

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Pat. No. 6829481 to Souissi

Intelligent inter-system handoff.

Pub. No. 20040156328 to Walton et al.

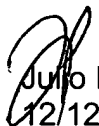
Random access for wireless

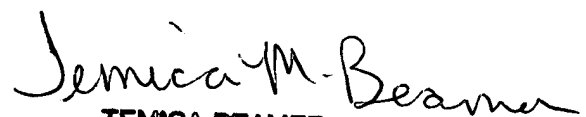
multiple-access systems.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R. Perez whose telephone number is (571) 272-7846. The examiner can normally be reached on 7:00 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272- 4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Julio Perez
12/12/05


TEMICA BEAMER
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